

# **Grand Staircase-Escalante National Monument Special Recreation Permit Policy**

**October 2001**

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## **INTRODUCTION**

The basic objectives of the Bureau of Land Management's (BLM) Special Recreation Permit (SRP) system are to satisfy recreational demand within allowable use levels in an equitable, safe and enjoyable manner while minimizing resource impacts and user conflicts. Fees for SRPs are intended to recover at least part of the cost of issuing and administering the SRP, plus provide a fair return to the Federal government for the opportunity of permittees to make a profit while using BLM administered lands.

SRPs are authorizations which allow specified recreational uses of public lands and related waters. They are issued as a means to manage visitor use, protect natural and cultural resources, and as a mechanism to accommodate specific commercial and noncommercial recreational uses.

This booklet outlines the policy governing SRPs for outfitting and guiding, organized group activities and special events occurring within Grand Staircase-Escalante National Monument (hereafter referred to as the Monument). Policy addressing all aspects of SRP issuance, monitoring, maintenance and administration will be covered in this booklet. This policy will not supercede existing Utah BLM State guidelines or Federal regulations pertaining to SRPs as may be amended. This policy is intended to work within these parameters to address those needs and issues which are unique to the Monument.

Note, based on monitoring of indicators including, but not limited to resource damage, conflicts with threatened and endangered plant or animal species and unacceptable numbers of social encounters, policy within this document may be affected by future Monument decisions regarding visitor use allocation and resource management.

## **GOALS**

Goals of the policy outlined in this booklet are as follows:

- Make the Monument's issuance, maintenance and governance of SRPs consistent and subject to existing BLM National guidelines, Federal regulations and objectives set forth in the Monument Management Plan, as may be amended.
- Develop a process that allows the Monument to issue and manage SRPs efficiently, effectively and equitably.
- Ensure that present and future visitors (guided and nonguided) have opportunities for safe, high quality recreational experiences.
- Develop and maintain a working relationship with permittees to meet Monument resource management objectives.

## **WHEN A SRP IS REQUIRED**

SRPs are required for all commercial recreation activities, and some organized groups and special events. The discussion that follows provides additional information for determining when a SRP is required.

## **Commercial Operators**

Commercial use is defined as recreational use of public lands and related waters for business or financial gain. An activity, service, or use is commercial if any of the following apply:

- When any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands, the use is considered commercial.
- An activity, service, or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use.
- Commercial use may also be characterized by public advertising for participants or situations where a duty of care or expectation of safety is owed participants by service providers as a result of compensation.
- Use by scientific, educational, and therapeutic institutions or nonprofit organizations are considered commercial and require a SRP when any of the above criteria are met.
- Nonprofit status of any group or organization does not, in itself, determine whether an event or activity arranged by such a group or organization is noncommercial.
- Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the SRP is not profit-making.

## **Colleges and Universities**

College and university groups are classified as commercial and require a SRP if any the criteria above for defining an activity as commercial are met, and if the proposed activity is associated with a recreational use. Therefore, if the proposed activity is part of a course where students are paying tuition and is associated with a recreational use, i.e., camping, backpacking, hiking, then the activity is commercial and requires a SRP. If the proposed activity is part of a course where students are paying tuition and is not associated with a recreational use, then a Letter of Authorization is required, and a SRP is not required. Activities not associated with a recreational use include the following:

- Interpreting Monument resources (geology, biology, paleontology, archaeology, history) from a vehicle or roadside.
- Traveling by foot less than .25 mile from a designated road for the sole purpose of interpreting Monument resources.

To obtain a Letter of Authorization contact with the Special Recreation Permit Coordinator the Monument at (435) 826-5600.

## **Organized Groups and Special Events**

SRPs are required for organized group and special event activities that may significantly impact Monument resources, require monitoring, or cause user conflicts. "Organized group and special event activity" is defined as a structured, ordered, consolidated, or scheduled meeting for the purpose of recreational or other use that is not commercial or competitive. Examples of organized group and special event activity include, but are not limited to Boy Scout Jamborees, family reunions, student recreation clubs and fraternity activities. To determine if an organized group or special event activity requires a SRP, contact the SRP Coordinator at (435) 826-5600.

## **WHEN A SRP IS NOT REQUIRED**

A SRP may not be required if any of the three apply:

- The use or event traverses less than 1 mile on public lands and poses no threat of significant damage to Monument resources.
- Applicants that hold an authorized permit for Glen Canyon National Recreation Area and do not camp in the Monument, would not require a SRP if using the following trailheads (Map 1):
  - Egypt
  - Forty Mile Ridge
  - Red Well
- The use is sponsored or co-sponsored by the Monument and is determined to be noncommercial.
- The use entails traveling along sections of U.S. Route 89, State Highway 12 and the Burr Trail that traverse the Monument, and does not include making any stops within the Monument, i.e., scenic view points, trail heads.

To determine if your intended use does not require a SRP contact the SRP Coordinator at (435) 826-5600.

## **ACTIVITIES FOR WHICH A SRP WILL NOT BE ISSUED**

SRP's will be not issued for competitive use, river trips and grazing permit associated activities.

### **Competitive Use**

Competitive use means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and either of the following elements apply:

- Participants register, enter, or complete an application for the event; or
- A predetermined course or area is designated.

Competitive use also includes activities in which one or more individuals seek to set or break an established record, such as for speed or endurance.

Competitive events are prohibited on the Monument in accordance with Plan Decision # EVENT-3 of the Monument Management Plan effective February 2000.

### **River Trips**

There are no rivers within the Monument that consistently offer adequate flow for the purpose of navigation. As a result, SRPs for commercial river trips will not be issued.

### **Grazing Permits**

## **NEW SRPs**

The information below provides a proactive approach for issuing new SRPs. A schedule for issuing SRPs and specific criteria for evaluating SRP applications provide the basis for this approach. This approach should benefit the Monument, potential and existing permittees, and the public by providing an efficient, effective and equitable means of issuing new SRPs.

### **Application and SRP Issuance Schedule**

The following schedules will be strictly adhered to for the issuance of new SRPs, based on the category of user.

#### **One Time Users**

A “one-time user” is defined as a commercial user required to obtain a SRP, who intends only to operate in the Monument once in a single year, not to exceed 14 days and not return for a time period of three years. This category includes commercial organized groups and special events.

Applications for this user category are accepted at any time, but are subject to submission of SRP application materials at least 180 days before the intended use is to begin.

Note, this time frame for selecting applicants could be extended if the Monument determines that additional time is required to complete an environmental assessment or consult with other agencies.

A commercial “one-time user”, organized group or special event that obtains a SRP and then applies for a second SRP within three years will be denied.

Noncommercial organized groups and special events may apply for a SRP in consecutive years.

#### **One year and Multi-year Users**

A “one year user” is defined as a commercial user intending to operate in the Monument for a period of up to one year.

A “multi-year user” is defined as a commercial user intending to operate in the Monument during a period greater than one year. A one year permit may be considered for conversion to multi-year status. Applicants must have two years of successful operation before a five year permit is issued.

A five year permit will not be issued in the following cases:

- Applicant has received a less than acceptable rating on their annual evaluation.
- Applicant has less than two years of successful operation prior to application for a five year permit.
- Changes in applicants operating plan that are not in compliance with Monument Plan.

**Timeline:**

January 1-December 31 “One time user” applications accepted at least 180 days before the intended use is scheduled to begin.

December 31	Deadline for accepting “one year” and "multi-year" SRP applications. All "multi-year" SRP applications must be received by close of business. SRP applications received by the Monument after close of business will be accepted, though not reviewed until after December 31, the following year.
January 1	Monument staff begins reviewing all new “one year” and "multi-year" SRP applications using the SRP Evaluation Process outlined below.
July 1	Selection of applicant(s) most qualified to offer services and issuance of SRPs. Note, this deadline for selecting applicants could be extended if additional time is required to complete an environmental assessment or consult with other agencies.
January 1	All new “one year” and "multi-year" SRPs issued are activated through issuance of an annual operating authorization.

Example: SRPs applications submitted by December 31, 2001 are reviewed starting January 1, 2002. Selection and issuance of SRP's on July 1, 2002 . New SRP's activated on January 1, 2003.

Through this approach permittees will be provided sufficient time to complete necessary business tasks before their SRP becomes active, i.e., advertising, marketing, employee training. This date for selecting applicants and policy of not activating SRPs until the season following their issuance will be applied in future years.

**How to Apply for a New SRP**

To apply for a SRP for activities located on the Monument (Map 2), all of the application materials listed below must be submitted. If your proposed activity is located on BLM land outside the Monument (Map 3), you should contact the appropriate BLM Office. Information on how to contact Utah BLM Field Offices is located in Appendix 1. Also see “joint permits” section. Note, if all requested SRP application materials are not submitted, or if incomplete information is provided the application may not be considered. Application forms are located in Appendix 2.

- Special Recreation Application Form (8370-1), completed and signed. Note, new "multi-year" applicants must limit their proposed “dates” of operation under question



number four of this form, to a time period of one year or less. See discussion of "SRP Term" on page 11.

- Operating Plan Form, completed and signed.
- Detailed topographic map(s) showing travel routes, primary use areas, camp locations, archaeological, cultural and paleontological sites planning to visit, temporary facilities, cache locations, staging facilities, parking areas and any private, state or agency administered public lands used in the proposal. Applicants must use U.S. Geological Survey 1:24,000 or 1:100,000 scale topographic maps, or BLM Special Edition 1:100,000 scale topographic maps.
- Evidence of permission to use or cross private, state, or other agency administered public lands.
- \$80.00 fee that will be applied toward first years minimum SRP fee if authorized, or returned if not authorized. Note, if after the Monument decides to issue and activate a SRP, the applicant declines to accept the SRP, the \$80.00 fee will not be returned.

Note, BLM adjusts fees for all SRPs every three years based on the change in the implicit price deflator index. Therefore, the next adjustment to the SRP fees identified above is scheduled for March 1, 2002.

The following address should be used to mail SRP applications to:

Grand Staircase-Escalante National Monument  
Outdoor Recreation Planner  
SRP Application Enclosed  
P.O. Box 225  
Escalante, UT 84726

The option to submit some or all of the required SRP application materials in digital format may become possible in the near future. To determine if this option is currently available refer to the Monument Internet Site at [www.ut.blm.gov/monument](http://www.ut.blm.gov/monument).

If a SRP application is approved, the applicant will be notified in writing of conditional approval and required to meet the following conditions before its SRP will be activated:

- Provide a copy of insurance certificate, identifying the United States Government as additional insured.
- Commercial permittees- provide the balance of 3% anticipated gross revenues if greater than \$80.00 fee already paid. If the balance of the 3% anticipated gross revenue is greater than \$500.00, the permittee may make quarterly fee payments following the schedule provided on page 13, or pay the entire amount at once.
- Organized group and special event permittees- provide the balance of charges by applying the \$4.00 per person per day fee to the estimated number of persons and days they propose to operate within the Monument.

Note, BLM adjusts fees for all SRPs every three years based on the change in the implicit price deflator index. Therefore, the next adjustment to the SRP fees identified above is scheduled for March 1, 2002.

- Provide copies of Food Handlers Card(s). Any commercial permittee directly preparing meals for customers is required to have a Food Handler Card(s) for any person(s) assisting in food preparation or cleanup. For information on how to obtain a Food Handlers Card, or determine if certification and training received in another state is sufficient, contact the Southwest Utah Public Health District Office at (435) 586-2437, or any other Utah Public Health District Office.
- Provide a copy of American Red Cross Standard First Aid and CPR Training Cards for all authorized representatives working in the field.

If all conditions listed above are not met by the time the activity is permitted to begin, conditional approval will be revoked and applicant will be required to reapply for a new SRP.

Any questions concerning how to apply for a SRP should be referred to the SRP coordinator at (435) 826-5600.

### **SRP Application Evaluation Process**

All new SRP applications will be evaluated using the "application review criteria" identified below. These criteria offer a framework for SRP application evaluation. (SRP Evaluation Form located in Appendix 4.) This form provides for both a qualitative and quantitative evaluation of SRP applications. By using this form, along with the professional judgment of Monument staff, applications that best comply with the "application review criteria" will be approved (possibly with modifications).

### **Application Review Criteria**

1. Compliance History
  - Applicant has demonstrated, through its operating plan that he or she is (or will be) in compliance, and /or has a history of compliance, with local, state and Federal laws and regulations in connection with the proposed activity.
2. Safety and Safety History
  - Applicant has demonstrated, through its operating plan a history of (or ability to) provide a reasonable level of safety for clients.
  - Applicant has demonstrated, through its operating plan that he or she has sufficient experience in the proposed activity, and the environment he or she will be operating within, to provide a reasonable level of safety for clients.
3. Compliance with Monument SRP Policy, Stipulations and the Monument Management Plan
  - Applicant has demonstrated, through its operating plan that its proposed activity is consistent with Monument SRP Policy, Stipulations and the Monument Management Plan.

#### 4. Conflicts

- Applications will not be approved in areas where conflicts currently exist, or would potentially occur as a result of permitting the proposed activity. Valid conflicts include, but are not limited to:
  - unacceptable use levels during specific time periods or overall,
  - unacceptable resource impacts and,
  - Monument inability to properly monitor an activity and/or enforce regulations.

#### 5. Interpretation and Education

- Applicant has demonstrated, through its operating plan that he or she will provide clients with accurate interpretation/education of one or more of the following Monument resources: geology, biology, paleontology, archaeology, or history.

#### 6. Resource Protection

- Applicant has demonstrated, through its operating plan that he or she will adequately mitigate impacts, if any, to the following Monument resources: geology, biology, paleontology, archaeology, or history.

#### **SRP Term**

- SRP term for “one-time users” will be a specified period not to exceed 14 days.
- The SRP term for new "multi-years" will initially be a one year time period.
- In the event the Monument determines that the permittee’s performance is acceptable, the Monument may reissue the SRP for a second year, by submittal of an updated form # 8370, signed and dated. During this second year, the Monument will continue to evaluate the permittee’s performance. If the permittee’s performance is acceptable, the Monument may reissue the SRP for a five-year period, upon submittal of an updated form # 8370, signed and dated.
- In all cases, if there is a considerable change in the original operating plan, i.e., a new operating area, business activity, a new operating plan must also be furnished with the updated form # 8370.
- Note, based on monitoring of indicators including, but not limited to resource damage, conflicts with threatened and endangered plant or animal species and unacceptable numbers of social encounters, SRPs may be affected, i.e., terms, operating areas, activities, by future Monument decisions regarding visitor use allocation.
- Also, even though "multi-years" may be issued a SRP for multiple years, they are still required to obtain Annual SRP Operating Authorization before operating each season. This Annual SRP Operating Authorization will identify specific dates and locations, in which the permittee is allowed to operate during the season. Further, all SRPs are subject to revocation for noncompliance with any terms, conditions, or stipulations applicable to the respective SRP.

## **Operating Area**

An SRP will authorize use of the minimum area necessary to perform the proposed activity. Note, the Monument reserves the right to close various sites and/or areas located within its jurisdiction to prevent resource damage, use conflicts and to promote visitor safety.

## **Joint SRPs**

The Monument will consider authorizing joint SRPs for activities operating within both the Monument and adjacent public lands (BLM Field Offices, Dixie National Forest, Glen Canyon National Recreation Area, Bryce Canyon National Park, Capitol Reef National Park). The Monument's ability to authorize such SRPs is contingent upon the development and maintenance of individual cooperative agreements with these agencies. Applicants should contact the Monument prior to submitting an application for a joint SRP to determine if a cooperative agreement currently exists between the Monument and adjacent Federal land management agency. Joint SRPs will be processed and issued through the agency office where the majority of the proposed activity will occur, i.e., trail miles, acreage. Note, the Monument has no authority to permit or regulate use of land outside its jurisdiction, i.e., private, state, and other Federal land, unless provided for through a cooperative agreement.

## **Modification or Cancellation of SRPs**

If the Monument determines, a SRP needs to be modified, i.e., operating area, suspended or canceled to protect human health or safety, the Monument shall notify the permittee in writing. A permittee will be required to comply with an amendment to its SRP immediately, in the case of human health and safety. Examples of such cases are wildland fires, floods creating inaccessible roadways, etc.

## **Five Year SRP Renewal**

To renew a "multi-year" SRP, permittees must submit to the Monument the application materials listed below, by November 1<sup>st</sup> prior to the year their 5-year SRP is scheduled to expire.

- Special Recreation Application Form (8370-1), completed and signed.
- Operating Plan Form, completed and signed.
- Detailed topographic map(s) showing travel routes, primary use areas, camp locations, temporary facilities, archaeological, cultural and paleontological sites planning to visit, cache locations, staging facilities, parking areas and any private, state or agency administered public lands used in the proposal. Applicants must use U.S. Geological Survey 1:24,000 or 1:100,000 scale topographic maps, or BLM Special Edition 1:100,000 scale topographic maps.
- Evidence of permission to use or cross private, state, or other agency administered public lands.

All existing and new "multi-year" SRPs will be scheduled to expire on December 31<sup>st</sup>, of their last permitted year. Therefore, if a SRP is scheduled to expire on December 31, 2003, application materials for renewal must be received by the Monument by November 1, 2002. Note, if all requested SRP application materials are not submitted on time, or if incomplete information is provided the application will not be considered.

SRP renewals will be evaluated using the same “application review criteria” and SRP Evaluation Form used to review new SRP applications. Based on results of the SRP Evaluation Form, the permittee’s Annual SRP Evaluation ratings and professional judgement, a determination if a SRP renewal should be authorized (possibly with modifications) shall be made. Permittees will be notified in writing of the decision whether to authorize their renewal no later than February 1<sup>st</sup>, of their last permitted year. In the event that during the 5-year SRP term, the permittee received two Annual SRP Evaluation Ratings of less than acceptable, the SRP will not be renewed as a multiyear permit. Further, such permittee will not be entitled to apply for SRP renewal for a time period of three years. Also, a permittee who at the time of renewal has a SRP evaluation rating of less than acceptable will only be eligible for a one-year SRP.

### **SRP ADMINISTRATION**

In order to adequately manage SRPs, permittees will be required to comply with all administrative requirements outlined in this section.

Permittees classified as “one-time users” must submit the forms and fees identified below by close of business within 30 days of their last permitted day of use. Permittees classified as "multi-years" are encouraged to submit the forms and fees identified below, within 30 days of their last permitted day of use but in any case, are required to submit the forms and fees identified below, by close of business February 1<sup>st</sup> of each year.

- Post Use Report Form;
  - Trip Log Form;
  - Preseason Update Form;
  - end of season fee (amount shown on line seven of the Post Use Report Form);
  - preseason estimated fee: and
  - Special Recreation Application Form (8370-1), completed and signed, if required.
- "Multi-years" who have operated under a one-year SRP, and wish to obtain another SRP, i.e., a second one-year, or a five-year SRP, must submit a new Form (8370-1). See discussion under "SRP Term" section.

All SRP maintenance forms listed here are provided in the Appendix . For permittees who choose to submit forms using their own computer generated reporting programs, reports must contain the same information (in a similar format) requested on the forms provided in the Appendix . If any form or fee is not submitted by the specified deadline, an Annual SRP Authorization will not be issued until the form or fee is received and processed. Late fees will be assessed using the following schedule:

- 2 weeks late = \$100.00 additional fee,
- 3 weeks late = \$250.00 additional fee, and
- 4 weeks late = \$500.00 additional fee.

Also, any form not completely filled out will not be accepted and returned to the permittee.

## **Fees**

Permittees offering commercial recreation services must pay 3% of their anticipated gross revenues or an \$80.00 annual minimum, whichever is greater. New permittees with a 3% anticipated gross revenue greater than \$500.00, and an estimated fee payment due that is greater than \$80.00 (based upon amount calculated on Preseason Update Form) may make equivalent quarterly fee payments using the schedule below, or pay the entire amount prior to February 1<sup>st</sup>.

1<sup>st</sup> Quarter, January through March - payment due by January 30

2<sup>nd</sup> Quarter, April through June - payment due by end of April 30

3<sup>rd</sup> Quarter, July through September - payment due by end of July 31

4<sup>th</sup> Quarter, October through December - payment due by end of October 31

Both organized groups and special events required to obtain a SRP must pay in advance an estimated amount of \$4.00 per person per day while operating within the Monument.

For "one-time users", over payment of fees greater than \$10 will be refunded. For "multi-years" over payment of fees will be applied to the following year. All fees must be paid by check, made payable to BLM USDI. Note, permittees are subject to random audits, which at a minimum will include a review of financial records and visitor use.

BLM may waive fees for SRPs issued for academic, scientific, therapeutic or administrative uses that meet the following conditions. First, the permitted use must be directly related to management of the Monument, or be co-sponsored by the Monument, i.e., nonprofit organization performing trail maintenance. Second, the permittee must not be commercial.

In addition to the SRP fee, permittees are required to pay the site specific, visitor use, or entrance fee for each of their clients and guides recreating in or entering a fee area. Calculation and payment of visitor use fees will be completed by permittees using the post use report form. At this time, the only fee areas within the Monument are Calf Creek and Deer Creek recreation areas.

Note, BLM adjusts fees for all SRPs every three years based on the change in the implicit price deflator index. Therefore, the next adjustment to the SRP fees identified above is scheduled for March 1, 2002.

## **Insurance**

All permittees are required to obtain an insurance policy for their permitted operations with the minimum liability coverage amounts of:

\$25,000 property damage for any one occurrence,  
\$500,000 damage to persons (bodily injury or death) per occurrence; and  
\$1,000,000 annual aggregate.

A current certificate of insurance must on file, for the applicant or permittee to be issued an Annual SRP Authorization. The certificate of insurance must state the limits of coverage,

identify the **United States Government** as additional insured, and that the insurer will give the Monument 30 days notice prior to cancellation or modification of the insurance policy.

It is the responsibility of the permittee to maintain insurance coverage. If a permittee has a lapse in insurance coverage, the SRP is suspended until such time as insurance coverage is reinstated.

### **Annual SRP Operating Authorization**

The Monument will issue an Annual SRP Operating Authorization to "multi-year" permittees by March 1<sup>st</sup>, of each year. Though permittees may have a "multi-year" SRP, this SRP shall not be valid unless an annual SRP authorization is provided each year. An annual SRP authorization might not be granted if the permittee receives an Annual SRP Evaluation rating of less than acceptable. Also, if a permittee has requested a change of operations in their Preseason Update Form, i.e., operating area, decision regarding this request will be reflected in the Annual SRP Authorization. Appendix 5 provides an example of an Annual SRP Authorization.

### **Annual SRP Evaluation**

An annual evaluation of all SRPs issued will be performed. This evaluation will determine a permittee's level of performance and its compliance with operating conditions, i.e., Monument SRP Policy, SRP Stipulations. Permittees will be evaluated using the Annual SRP Evaluation Form provided in Appendix 4. By March 1<sup>st</sup> of each year, permittees will be mailed their evaluation. Evaluations may also be performed at the end of the SRP term, when there are changes in operating plans or procedures, when violations of the SRP occur, or prior to SRP renewal. An overall rating of superior, acceptable, probationary, or unacceptable will be given. Descriptions of these ratings along with actions resulting from their issuance are provided on Figure 1 below, and on the back of the Annual SRP Evaluation Form.

### **Annual Field Monitoring**

To assist in evaluating a permittees' performance and provide an opportunity for the Monument staff to further communicate its expectations, field monitoring will be performed. Field visits may be scheduled with permittees, or made unannounced.

### **Annual Workshop**

To assist in promoting an effective partnership with "multi-year" permittees the Monument will host a preseason Outfitter and Guide Workshop each year. This workshop will last one or two days depending on the amount and complexity of information and training to be provided, i.e., Monument research activities, Leave No Trace Training, safety and emergency procedures. Permittees will be notified in writing by December 1<sup>st</sup>, of each year concerning the date and location of the workshop.

### **SRP Transfers**

Permittees may request that their SRP be transferred, in the case of an actual sale of a business or a substantial part of the business. All such transfers are at the discretion of the Monument. Changes of company stock that result in a different individual or business acquiring 50 percent or more of the shares outstanding or who otherwise acquire controlling interest shall be treated as

a transfer, whether the changes in ownership take place all at one time or as the result of several actions. This requirement does not generally apply to companies with shares commonly traded on public stock exchanges that continue to do business under the same company name. A SRP transfer will not be considered if the SRP is less than two years old, the permittee currently has a rating of less than acceptable, or if the permittee is terminating its business. In addition, if the permittee's business enters bankruptcy under the provisions of Chapter Eleven of the Federal bankruptcy laws for the purpose of reorganizing, the permittee may make use of the SRP during the period the company is under the protection of the bankruptcy court, provided that all terms of the SRP continue to be met. During this period, the SRP may not be transferred to the control of a new individual or business entity. However, if ownership of the business returns to the control of the former owner(s), from whom the SRP was transferred, BLM may transfer the SRP back to the previous owner. The previous owner(s) must bring the SRP into good standing before the BLM will consider an application for a future SRP transfer. If the permittee's business enters bankruptcy under Chapter Seven of the bankruptcy laws, the SRP will automatically be terminated. No SRP transfers will be approved for permittees entering Chapter Seven Bankruptcy.

If a permittee wishes to transfer its business they must do the following:

- The permittee should notify the Monument in writing, 60 days prior to completing an agreement which would result in a change of ownership or controlling interest in the business. This written notification must include adequate documentation that a bona fide business transfer or sale is intended.
- Upon receiving written notification from the Monument that a SRP transfer will be considered, the proposed permittee/transferee must follow the procedure identified under the section entitled "How to Apply for a SRP".
- Within 60 days of receiving the proposed permittees application, the Monument will apply the SRP Evaluation Process to determine if the application should be approved, approved with modifications, or denied.
- New owners must have written notification from BLM prior to operation on the Monument. The Monument shall have discretion to include in the transferred SRP terms, conditions, and/or stipulations, which are entirely differently from the original SRP.

### **VISITING ARCHAEOLOGICAL, CULTURAL AND PALEONTOLOGICAL SITES**

The Monument is currently working to develop baseline information on all archaeological, cultural and paleontological sites within the Monument. At present, only a small percentage of these sites have been cataloged. In an effort to identify new sites and maintain the integrity of known sites, the Monument would like to further its working relationship with permittees in this area. With this in mind, permittees are required to identify within their operating plan all archaeological, cultural and paleontological sites they propose to visit as part of their trips. Also, permittees should promptly notify the Monument of any archaeological, cultural, or paleontological site they identify while operating in the field. Once identified, it may be appropriate for a permittee to collaborate with the Monument in documenting, preserving, studying and/or monitoring a site.



## **MONUMENT EDUCATION OPPORTUNITIES**

The Monument would like to provide permittees and their clients the opportunity to learn, first hand, about research activities in the Monument. With this in mind, the Monument will notify existing permittees in writing when there is an opportunity for them and their clients to visit a research effort in the field, i.e., excavation of an archaeological site. The Monument will require interested permittees to submit a plan, detailing how this site visit will be incorporated into their trip. This practice should further the effort to educate permittees and their clients about Monument resources.

## **ILLEGAL OUTFITTERS**

In the event the Monument determines a person or organization is operating or undertaking a use within the Monument, without a properly authorized SRP for that use, or is undertaking a use for which a SRP will not be issued (see page 3), the person will be subject to the following:

- person(s) eligibility for a new SRP through the Monument shall be suspended for a time period of at least three years,
- all existing SRPs in the name of the person or organization which he or she is associated with shall be cancelled, and
- the Monument will notify all Utah BLM field offices and other affected land management agencies concerning the violation.

Pursuant to 43 Code of Federal Regulations 2932.57, any person(s) operating within the Monument without a required SRP or who are in violation of any SRP Stipulation located in Appendix 6 may be subject to the following:

- a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months, and
- civil action for unauthorized use of public lands or related waters and their resources.

## **CONFLICT RESOLUTION PROCESS**

The steps outlined below will be followed when a conflict exists between permittees.

1. The permittees will meet independently, or with the assistance of a mediator to work out a solution. During this step, permittees may choose an existing permittee to serve as mediator. Note, any solution developed shall comply with all SRP terms, conditions and stipulations.
2. If unresolved, permittees will meet with the Monument's authorized officer to develop a workable solution.
3. If a workable solution cannot be developed through consensus, the Monument's authorized officer will draft a proposed resolution to the matter for review by the Monument Manager.
4. The Monument Manager will review, and either approve or deny the proposed resolution or make his or her own final decision regarding the matter. Any decision made will be done in accordance with Monument SRP Policy, the Monument Management Plan and state and Federal regulations and guidelines. Written notice of the Monument Manager's decision shall be provided to the permittees.

**SRP STIPULATIONS**

SRP Stipulations located in Appendix 6 apply to all permittees. Failure to adhere to any stipulation will result in remedial action(s). The Monument reserves the right to revoke or alter the terms, conditions, or stipulations of SRPs at any time necessary.

## **APPENDICES**

*Appendix 1:  
Utah BLM Field Office Directory*

*Appendix 2:  
SRP Application Forms*

*Appendix 3:  
SRP Maintenance Form*

*Appendix 4:  
SRP Evaluation Forms*

*Appendix 5:  
Annual SRP Authorization Example*

*Appendix 6:  
No Campfire Zone Definitions*

*Appendix 7:  
Land Use Ethics*